

THE SCIENCE OF MURDER FROM THIS BOOK?

Which Luetgert Is On Trial and Which It Is Believed the Prisoner Had Read.

CHAPTER III.

THE place which Samuel Walcott had selected for the residence of Nina San Croix was far up in the northern suburb of New York. The place was very old. The lawn was large and ill-kept; the house, a square, old-fashioned brick, was set far back from the street, and partly hidden by trees. Around it all was a rusty iron fence. The place had the air of genteel ruin, such as one finds in the Virginias.

On a Thursday of November, about 3 o'clock in the afternoon, a little man, driving a dray, stopped in the alley at the rear of the house. As he opened the back gate an old negro woman came down the steps from the kitchen and demanded to know what he wanted. The drayman asked if the lady of the house was in. The old negro answered that she was asleep at this hour and could not be seen.

"That is good," said the little man, "now there won't be any row. I brought up some cases of wine which she ordered from our house last week and which the Boss told me to deliver at once, but I forgot it until to-day. Just let me put it in the cellar, now, Auntie, and don't say a word to the lady about it, and she won't ever know that it was not brought up on time."

The old negro went back into the kitchen and the little man began to unload the dray. He carried in five wine cases and stowed them away in the back part of the cellar as the old woman had directed. Then, after having satisfied himself that no one was watching, he took from the dray two heavy paper sacks, presumably filled with shot, and a little bundle wrapped in an old newspaper; these he carefully hid behind the wine cases in the cellar. After a while he closed the door, climbed on his dray, and drove off down the alley.

About 8 o'clock in the evening of the same day, a Mexican sailor dodged in the front gate and slipped down to the side of the house. He stopped by the window and tapped on it with his finger. In a moment a woman opened the door. She was tall, lithe, and splendidly proportioned, with a dark Spanish face and straight hair. The man stepped inside. The woman bolted the door and turned round.

"Ah," she said, smiling, "it is you, Señor. How good of you."

"The man started. 'Whom else did you expect?' he said quickly.

"Oh!" laughed the woman, "perhaps the Archbishop."

"Nina!" said the man, in a broken voice that expressed love, humility and reproach. His face was white under the black sunburn.

For a moment the woman wavered. A shadow flitted over her eyes, then she stepped back. "No," she said, "not yet."

The man walked across to the fire, sank down in a chair, and covered his face with his hands. The woman stepped up noiselessly behind him and leaned over the chair, when either in great agony or else he was a superb actor, for the muscles of his neck twitched violently and his shoulders trembled.

"Oh," he muttered, as though echoing his thoughts, "I can't do it, I can't."

The woman caught the words and leaped up as though some one had struck her in the face. She threw back her head. Her nostrils dilated and her eyes flashed.

"You can't do it!" she cried. "Then you do love her! You shall do it! Do you hear me? You shall do it! You killed him! You got rid of him! But you shall not get rid of me. I have the evidence, all of it. The Archbishop will have it to-morrow. You shall hang you! Do you hear me? They shall hang you!"

The woman's voice rose, it was loud and shrill. The man turned slowly around without looking up, and stretched out his arms toward the woman. She stopped and looked down at him. The fire glittered for a moment and then died out of her eyes, her bosom heaved and her lips began to tremble. With a cry she flung herself into his arms, caught him around the neck, and pressed his face close up to her cheek.

"Oh! Dick, Dick," she sobbed, "I do love you so! I can't live without you! Not another hour, Dick! I want you so much, so much, Dick!"

The man shifted his right arm quickly, slipped a great Mexican knife out of his sleeve, and passed his fingers slowly up the woman's side until he felt the heart beat under his hand, then he raised the knife, gripped the handle tight, and drove the keen blade into the woman's bosom. The hot blood gushed out over his arm, and down on his leg. The body, warm and limp, slipped down in his arms. The man got up, pulled out the knife, and thrust it into a sheath at his belt, unbuttoned the dress, and slipped it off the body. As he did this a bundle of papers dropped upon the floor; these he glanced at hastily and put into his pocket.

Then he took the dead woman up in his arms, went out into the hall, and started to go up the stairway. The body was relaxed and heavy, and for that reason difficult to carry. He doubled it up into an awful heap, with the knees against the chin, and walked slowly and heavily up the stairs and on into the bathroom. There he laid the corpse down on the tiled floor. Then he opened the window, closed the shutters and lighted the gas. The bath-room was small and contained an ordinary steel tub, porcelain-lined, standing near the window and raised about six inches above the floor. The sailor went over to the tub, pried up the metal rim of the outlet with his knife, removed it, and fitted into its place a porcelain disk which he took from his pocket; to this disk was attached a long platinum wire, the end of which he fastened to the outside of the tub. After he had done this he went back to the body, stripped off its clothing, put it down in the tub and began to dismember it with the great Mexican knife. The blade was strong and sharp as a razor. The man worked rapidly and with the greatest care.

tators who were crowded in the court room had grown to be violent and bitter partisans, to such an extent that the police watched them closely. The attorneys for the People were dramatic and denunciatory, and forced their case with arrogant confidence. Mason, as counsel for the prisoner, was indifferent and listless. Throughout the entire trial he had sat almost motionless at the table, his gaunt form bent over, his long legs drawn up under his chair, and his weary, heavy-muscled face, with its restless eyes, fixed and staring out over the heads of the jury, was like a tragic mask. The Bar, and even the Judge, believed that the prisoner's counsel had abandoned his case.

When counsel announced that he had closed for the People, the Judge turned and looked gravely down at Mason. "Sir," he said, "the evidence for the defence may now be introduced."

Randolph Mason arose slowly and faced the Judge.

"If Your Honor please," he said, speaking slowly and distinctly, "the defendant has no evidence to offer."

He paused while a murmur of astonishment ran over the court room. "But, if Your Honor please," he continued, "I move that the jury be directed to find the prisoner not guilty."

The crowd stirred. The counsel for the People smiled. The Judge looked sharply at the speaker over his glasses. "On what ground?" he said curtly.

"On the ground," replied Mason, "that the corpus delicti has not been proven."

"Ah!" said the Judge, for once losing his judicial gravity.

"If Your Honor please," said Mason, rising, "this is a matter of law, plain, clear, and so well settled in the State of New York that even counsel for the People should know it. The question before Your Honor is simple. If the corpus delicti, the body of the crime, has been proven, as required by the laws of the commonwealth, then this case should go to the jury. If not, then it is the duty of this Court to direct the jury to find the prisoner not guilty. There is no room for judicial discretion. Your Honor has but to recall and apply the rigid rule announced by our courts prescribing distinctly how the corpus delicti in murder must be proven."

"The prisoner here stands charged with the highest crime. The law demands, first, that the crime, as a fact, be established. The fact that the victim is indeed dead must first be made certain before any one can be convicted for her killing, because, so long as there remains the remotest doubt as to the death, there can be no certainty as to the criminal agent, although the circumstantial evidence indicating the guilt of the accused may be positive, complete, and utterly irresistible. In murder, the corpus delicti, or body of the crime, is composed of two elements:

"Death, as a result.

"The criminal agency of another as the means.

"It is the fixed and immutable law of this State, laid down in the leading case of *Ruloff vs. The People*, and binding upon this Court, that both components of the corpus delicti shall not be established by circumstantial evidence. There must be direct proof of one or the other of these two component elements of the corpus delicti. If one is proven by direct evidence, the other may be presumed; but both shall not be presumed from circumstances, no matter how powerful, how cogent, or how completely overwhelming the circumstances may be. In other words, no man can be convicted of murder in the State of New York, unless the body of the victim be found and identified, or there be direct proof that the prisoner did some act adequate to produce death, and did it in such a manner as to account for the disappearance of the body."

The face of the Judge cleared and grew hard. The members of the Bar were attentive and alert; they were beginning to see the legal escape open up. The audience were puzzled; they did not yet understand. Mason turned to the counsel for the People. His ugly face was bitter with contempt.

Mason said it all, and grinned. "In its tenderness," he sneered, "the law shields the innocent. The good law of New York reaches out its hand and lifts the prisoner out of the clutches of the fierce jury that would hang him."

Mason sat down. The room was silent. The jurymen looked at each other in amazement. The counsel for the People arose. His face was white with anger, and incredulous.

"Your Honor," he said, "this doctrine is monstrous. Can it be said that, in order to evade punishment, the murderer has only to hide or destroy the body of the victim, or sink it into the sea? Then, if he is not seen to kill, the law is powerless and the murderer can snap his finger in the face of retributive justice. If this is the law, then the law for the highest crime is a dead letter. The great commonwealth winks at murder and invites every man to kill his enemy, provided he kill him in secret and hide him. I repeat, Your Honor, the man's voice was now loud and angry and rang through the court room—"that this doctrine is monstrous!"

The counsel for the People resumed his seat. His face lighted up with triumph. The Court was going to sustain him.

The Judge turned and looked down at the jury. He was grave, and spoke with deliberation and emphasis.

"Gentlemen of the jury," he said, "the rule of Lord Hale obtains in this State and is binding upon me. It is the law as stated by counsel for the prisoner: that to warrant conviction of murder there must be direct proof either of the death, as the finding and identification of the corpse, or of criminal violence adequate to produce death, and exerted in such a manner as to account for the disappearance of the body; and it is only when there is direct proof of the one that the other can be established by circumstantial evi-

The Author's Purpose.

G. P. Putnam's Sons, New York.

Dear Sirs—With reference to certain criticisms that have come to the publishers of my volume, "The Strange Schemes of Randolph Mason," I desire to recall to you my original purpose in the preparation of the volume.

It is a maxim of our system that the law-making power of the state rests, in the first instance, with the people of the state. This power, for the purpose of convenience, is delegated at times to certain selected persons who meet together in order to put into effect the will of the people.

It is, therefore, clear that if the law is unjust or defective, the people must be brought to see and appreciate such injustices or defects and to demand the necessary amendment in the law. The writer who points out to the people the vices of the law cannot be said to do evil, unless the law of the land is to be made by a narrow patriciate sitting, like the ancient Areopagus of Athens, in the dark. With very great respect,

MELVILLE D. POST.

LUETGERT IN REAL LIFE



to Repeat the Tragedy That Was Pictured by the Novelist?

When he had finally cut the body into as small pieces as possible, he replaced the knife in its sheath, washed his hands, and went out of the bathroom and downstairs to the lower hall. The sailor seemed perfectly familiar with the house. By a side door he passed into the cellar. There he lighted the gas, opened one of the wine cases, and, taking up all the bottles that he could conveniently carry, returned to the bath room. There he poured the contents into the tub on the dismembered body, and then returned to the cellar with the empty bottles, which he replaced in the wine cases. This he continued to do until all the cases but one were emptied, and the bath tub was more than half full of liquid. This liquid was sulphuric acid.

When the sailor returned to the cellar with the last empty wine bottle he opened the fifth case, which really contained wine, took some of it out, and poured a little into each of the empty bottles in order to remove any possible odor of the sulphuric acid. Then he turned out the gas and brought up to the bath room with him the two paper four sacks and the little heavy bundle. These sacks were filled with nitrate of soda. He set them down by the door, opened the little bundle, and took out two long rubber tubes, each attached to a heavy gas burner, not unlike the ordinary burners of a small gas stove. He fastened the tubes to two of the gas jets, put the burners under the tub, turned the gas on full, and lighted it. Then he threw into the tub the woman's clothing and the papers which he had found on her body, after which he took up the two heavy sacks of nitrate of soda and dropped them carefully into the sulphuric acid. When he had done this he went quickly out of the bath room and closed the door.

The deadly acids at once attacked the body and began to destroy it; as the heat increased the acids boiled and the destructive process was rapid and awful. From time to time the sailor opened the door of the bath room cautiously, and, holding a wet towel over his mouth and nose, looked in at his horrible work. At the end of a few hours there was only a swimming mass in the tub. When the man looked at 4 o'clock, it was all a thick murky liquid. He turned out the gas quickly and stepped back out of the room. For perhaps half an hour he waited in the hall; finally, when the acids had cooled so that they no longer gave off fumes, he opened the door and went in, took hold of the platinum wire and, pulling the porcelain disk from the stop-cock, allowed the awful contents of the tub to run out. Then he turned on the hot water, rinsed the tub clean, and replaced the metal outlet. Removing the rubber tubes, he cut them into pieces, broke the porcelain disk, and, rolling up the platinum wire, washed it all down the sewer pipe.

The fumes had escaped through the open window; this he now closed and set himself to putting the bath room in order, and effectually removing every trace of his night's work. The man moved around with the very greatest degree of care. Finally, when he had arranged everything to his complete satisfaction, he picked up the two burners, turned out the gas, and left the bath room, closing the door after him. From the bath room he went directly to the attic, concealed the two rusty burners under a heap of rubbish, and then walked carefully and noiselessly down the stairs and through the lower hall. As he opened the door and stepped into the room where he had killed the woman, two police officers sprang out and seized him. The man screamed like a wild beast taken in a trap and sank down.

"Oh! oh!" he cried, "it was no use to do it. Then he recovered himself in a manner and was silent. The officers bandaged his sunken eyes, and took him to the station house. There he said he was a Mexican sailor and that his name was Victor Ancona; but he would say nothing further. The following morning he sent for Randolph Mason and the two were long together.

CHAPTER IV.

THE obscure defendant charged with murder has little reason to complain of the law's delays. The morning following the arrest of Victor Ancona, the newspapers published long sensational articles, denounced him as a fiend, and convicted him. The Grand Jury, as it happened, was in session. The preliminaries were soon arranged and the case was railroaded into trial. The indictment contained a great many counts, and charged the prisoner with the murder of Nina San Croix by striking, stabbing, choking, poisoning, and so forth.

The trial had continued for three days, and had appeared so overwhelmingly one-sided that the spec-

dence. This is the law, and cannot now be departed from. I do not presume to explain its wisdom. Chief Justice Johnson has observed, in the leading case, that it may have its probable foundation in the idea that where direct proof is absent as to both the fact of the death and of criminal violence capable of producing death, no evidence can rise to the degree of moral certainty that the individual is dead by criminal intervention, or even lead by direct inference to this result; and that, where the fact of death is not certainly ascertained, all inculpatory circumstantial evidence wants the key necessary for its satisfactory interpretation, and cannot be depended on to furnish more than probable results. It may be, also, that such a rule has some reference to the dangerous possibility that a general preconception of guilt, or a general excitement of popular feeling, may creep in to supply the place of evidence, if, upon other than direct proof of death or a cause of death, a jury are permitted to pronounce a prisoner guilty.

"In this case the body has not been found, and there is no direct proof of criminal agency on the part of the prisoner, although the chain of circumstantial evidence is complete and irresistible in the highest degree. Nevertheless, it is all circumstantial evidence, and under the laws of New York the prisoner cannot be punished. I have no right of discretion. The law does not permit a conviction in this case, although every one of us may be morally certain of the prisoner's guilt. I am, therefore, gentlemen of the jury, compelled to direct you to find the prisoner not guilty."

When the audience fully realized what the Judge had said they were amazed and silent. They knew as well as men could know that Victor Ancona was guilty of murder, and yet he was now going out of the court room free. Could it happen that the law protected only against the blundering rogue? They had heard always of the boasted completeness of the law which magistrates from time immemorial had labored to perfect, and now when the skillful villain sought to evade it, they saw how weak a thing it was.

CHAPTER V.

THE wedding march of "Lohengrin" floated out from the Episcopal Church of St. Mark, clear and sweet, and perhaps heavy with its paradox of warning. The theatre of his coming contrast, before high heaven was a wilderness of roses worth the taxes of a county. The high caste of Manhattan, by the grace of the checkbook, were present, clothed in Parisian purple and fine linen, cunningly and marvellously wrought.

Over in her private pew, ablaze with jewels, and decked with fabrics from the left hand of many a weaver, sat Mrs. Miriam Steuvsant as imperious and self-complacent as a queen. To her it was all a kind of triumphal procession, proclaiming her ability as a general. With her were a choice few of the genus homo, which obtains at the 5 o'clock teas, instituted, say the sages, for the purposes of sprinkling the holy water of Lethe.

"Ozarina," whispered Reggie Du Puyster, leaning forward, "I salute you. The ceremony sub jugum is superb."

"Walcott is an excellent fellow," answered Mrs. Steuvsant; "not a vice, you know, Reggie."

"Aye, Empress," put in the others, "a purist taken in the net. The clean-skirted one has come to the altar. Vive la vertu!"

Samuel Walcott, still sunburned from his cruise, stood before the chancel with the only daughter of the blue-blooded St. Clairs. His face was clear and honest and his voice firm. This was life and not romance. The lid of the sepulchre had closed and he had slipped from under it. And now, and ever after, the hand red with murder was clean as air.

The minister raised his voice, proclaiming the holy union before God, and this twain, half pure, half foul, now by divine ordinance one flesh, bowed down before it. No blood cried from the ground. The sunlight of high noon streamed down through the window panes like a benediction.

Back in the pew of Mrs. Miriam Steuvsant, Reggie Du Puyster turned down his thumb. "Habet!" he said.

THE END.